

U.S. Patent Application Serial No. 10/802,027
Response to Final OA dated June 30, 2008

REMARKS

Claims 1 and 8 have been amended in order to more particularly point out, and distinctly claim the subject matter which the Applicants regard as their invention. The Applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **June 30, 2008**.

In the Final Office Action, Claims 1- 6 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stutzman (U.S. Patent No. 5,271,850); Claim 10 is rejected under 35 U.S.C. § 102(b) as being anticipated by Campo (U.S. Patent No. 3,675,776); Claims 7, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stutzman in view of Budzich (U.S. Patent No. 4,687,572); Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Campo in view of Kuh et al. (U.S. Patent No. 4,681,677). Reconsideration and Removal of these rejections are respectfully requested.

On page 5 of the Office Action, comments are found on arguments previously presented. It is stated:

It is argued that the fluid does not fall upon or enter the filter element (cartridge) at a cylindrical shape inner peripheral surface as in the present invention. It is submitted that in Stutzman, a portion of the flow does rise upwards through the annular space 29 to rise above the filter element and then turn radially inward and fall back down toward the filter media of the filter element, a portion of this falling back

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down flow falling upon and entering the filter element media adjacent to or at the flow-directing surface 34, which is inward of most of the filter media and is cylindrical.

The Office Action further recites:

It is argued that there is no structure to Stutzman arranged to induce radial flow. The orientation of the outer surface 27 of filter element / filter element shell, with housing side wall 18, and top cap 16 together induce such upward and then radial flow segments.

With regard to claim 10, it is argued that Campo does not teach or suggest any sizes (pore or mesh sizes) for the elements of the filter in relation to the size of target foreign matter. However, column 1, lines 15-20 teach the desirability of removing a variety of impurities from drinking water including contaminants that impart unpleasant tastes, odor and color or harden the water or impart toxicity. It is axiomatic that the filter element(s) would have a smaller pore size than those impurities so as to prevent their passing into the drinking water.

Additionally with regard to Campo, it is argued that the teaching in Campo of capability of reversing orientation of filter element teaches away from falling-off preventing element being on the side surface of the inflow path. Such ability to reverse filter element orientation has little bearing on claim patentability, claim 10 does not specify which filter element is outside of the other element. Claim term

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"side surface" could refer either to "...inside" or "outside..." and "trapping ... within the fall-off preventing element" does not preclude the target trapping element from being either inside of or outside of the fall-off preventing element.

In view of the above comments, Claims 1 and 8 are presently amended to more clearly define the surfaces of the filter and the location of the surfaces of the filter.

Regarding the comments concerning Claim 10, Applicants respectfully submit that the filter device of Campo is for use with drinking water and it is used at the point of ultimate usage, as discussed at column 1, lines 8-27. Also, the mentioned filter materials are activated carbon or charcoal and zeolite. The filter of Campo is concerned with dissolved chemical impurities that might give drinking water an unpleasant taste or odor. Campo is not concerned with foreign matter such as dirt, carbon powder, metal powder, etc. found in hydraulic equipment, as in the filter of the present invention. Although Campo may disclose two differing materials for the filters, the filter is not for trapping any particulate matter and therefore it is respectfully submitted that it could not possibly teach or suggest the size relationships of present claimed invention.

Regarding the comments concerning "side surfaces" and "inside" or "outside", Claim 10 does recite the "side surface of the inflow path" (emphasis added). In the filter of Campo, the flow is from the outside inward in the lower portion, and is from the inside outward in the upper portion. Since the two materials of the filter extend from the bottom all the way to the top, each of the filter materials would be subjected to the "inflow path". Therefore, it is respectfully submitted that no

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teaching of the present invention could be arrived at from the disposition of the two filter materials of Campo. In view of the aforementioned amendments and accompanying remarks, removal of these rejections is respectfully requested.


In view of the aforementioned amendments and accompanying remarks, Claims 1-12, as amended, are believed to be in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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